

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by an English machine translation of Japanese Patent No. 2001070226 to Ogawa et al., (hereinafter "Ogawa").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 102(b) for at least the reasons set forth below.

The Examiner argues that the steps recited in claim 1 that are executed by the autoclave are disclosed in paragraphs [0034] to [0059] of Ogawa. The Applicant respectfully disagrees.

Ogawa discloses a pre-vacuum step in a room before sterilization (paragraphs [0035] and [0044]). Subsequently, the room is subject to a sterilization process using high-pressure steam [0038]. Finally, after sterilization, the internal pressure of the endoscope (in the room) is returned to the same pressure as the external pressure (i.e., the pressure in the room) (paragraphs [0049] and [0059]). Although not expressly disclosed in Ogawa, the pressure in the room in the last step is returned to atmospheric pressure.

Thus, if the room is considered to be the "chamber" recited in claim 1, the pressure therein is depressurized in the pre-vacuum step, increased during the sterilization step and returned to atmospheric pressure (depressurized) after sterilization.

During such depressurizing step after sterilization, Ogawa does not disclose or suggest that the same includes a plurality of depressurization steps as recited in claim 1. Since there is no suggestion or disclosure otherwise in Ogawa, those of ordinary skill in the

art would understand that the depressurization of Ogawa depressurizes gradually and continuously until the pressure equalizes to atmospheric pressure.

Furthermore, Ogawa describes in paragraph [0007] such that "The pre vacuum process ..., the sterilization process which sends high-pressure high-temperature steam into ...and performs sterilization processing after that, and the desiccation process which decompresses the sterilization interior of a room again in order to dry an endoscope after sterilization processing ...", and in paragraph [0009] such that "The pressure of the sterilization interior of a room in a pre vacuum process and a desiccation process is -0.07MPa extent to atmospheric pressure...".

In this regard, Applicant notes in the Examiner's comments, "Ogawa et al. discloses ... a first depressurizing process ...depressurizing the inside of a chamber included in the autoclave; an autoclaving process which succeeds the first depressurizing process and in which the chamber is pressurized; and a second depressurizing process succeeding the autoclaving process and ... depressurizing the chamber, wherein: the second depressurization process includes a plurality of depressurization processes, the pressure of at least one of which being lower than that of any other of the plurality of depressurization processes performed before it.".

Since Ogawa merely describes that the autoclaving includes the pre vacuum process, the sterilization process which sends high-pressure high-temperature steam and performs sterilization processing after that, and the desiccation process which decompresses again in order to dry an endoscope after sterilization processing, and the pressure of the sterilization interior of a room in a pre vacuum process and a desiccation process is -0.07MPa

extent to atmospheric pressure as mentioned above, the Applicant respectfully submits that the Examiner is erroneous in his interpretation of Ogawa to reject the claims.

Specifically, Ogawa does not disclose or suggest that "the pressure attained at at least one depressurizing step included in the second depressurization process is lower than the lowest pressure attained in the first depressurization process" as is recited in claim 1.

With regard to the rejection of claims 1-5 under 35 U.S.C. § 102(b), a medical equipment autoclaving system having the features discussed above and as recited in independent claim 1, is nowhere disclosed in Ogawa. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by Ogawa. Accordingly, independent claim 1 patentably distinguishes over Ogawa and is allowable. Claims 2-5 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-5 under 35 U.S.C. § 102(b).

Lastly, the Applicant respectfully submits that at least claim 2 patentably distinguishes over Ogawa independently of its base claim. Ogawa does not disclose or suggest the second depressurization process including a plurality of depressurizing steps and a plurality of pressurizing steps, and the pressure attained at at least one of the depressurizing steps is lower than the pressure attained at other depressurizing step preceding the depressurizing step.

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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